

MINUTES
BOARD OF ADJUSTMENT
JULY 2, 2015

There were no minutes to approve.

ROLL CALL:

Anne Martin	Louis Clayton, Planner
Rick Bliss	Ken Heinz, Acting City Attorney
Mel Disney	Kathy Scott, Secretary
Ray Tait	
Chairman Gary Soule	

AN APPEAL SUBMITTED BY CORTNEY MAULDIN, OWNER, FOR THE PROPERTY AT
6607 SAN BONITA

Everyone wishing to speak was sworn in by the recording secretary.

Chairman Soule announced that there are five members in attendance tonight.

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Heinz presented the following exhibits:

- A) City of Clayton Zoning Ordinance and City Master Plan
- B) Application for Zoning Review and Denial Letter
- C) Application for Appeal
- D) Drawings submitted by applicant
- E) Staff Report

Chairman Soule asked the owner if he had any objections to these exhibits being made part of the record.

Cortney Mauldin, owner, replied "no". He introduced himself to the Board, indicating that he currently resides at 2849 Wakonba, St. Louis 63121. He stated that he bought this 2-family back in October, 2014 which he is converting to a single family residence. He indicated that his architect informed him that a variance would be needed to rebuild the deck which they would like to replace as it is old and does not look good. He stated that they don't have a contractor yet, but he expects to be ready for a permit soon. He indicated that it appears as though his neighbor has the same situation with a deck and that he spoke with that neighbor who didn't seem to have any issue with a variance being granted. He stated that there are doors leading to the deck and that there is really nowhere else to put a deck and due to the historical significance of the house, a lot of changes can't be made. He reiterated that all he wants to do is replace the existing deck.

Anne Martin asked who drew the elevation drawing.

Mr. Mauldin stated that his wife did.

Anne Martin asked if the Architectural Review Board will be looking at this.

Louis Clayton replied “no”; decks are approved in-house. He stated that the plans submitted for building permit are required to be more detailed and scaled.

Anne Martin asked about hardship.

Mr. Mauldin stated that the wording on the application was confusing; the hardship is that they couldn’t replace the deck, but they could still live in the house. He reiterated that the question was difficult to interpret.

Chairman Soule asked if the existing deck encroaches 2.75-feet into the setback.

Louis Clayton replied “yes”, adding that the balcony encroaches the same distance.

Mr. Mauldin asked if the deck size could be different.

Chairman Soule indicated that this is a specific variance and if it is granted, that’s what is approved.

Louis Clayton informed Mr. Mauldin that a larger deck would need to conform or a new variance granted.

Mr. Mauldin asked if this deck could be screened-in.

Louis Clayton stated that a screened in deck (porch) requires the same setback.

Mr. Mauldin asked about the balcony.

Chairman Soule commented that the balcony is not as deep as the deck.

Ken Heinz indicated that he believes that if the balcony is not deeper than the deck, that there is no problem.

Mr. Mauldin agreed.

Chairman Soule asked if the variance is granted, the side yard setback would be 5.25-feet.

Louis Clayton replied “yes”.

Chairman Soule asked if the deck was built within the setback the doors have to be moved.

Louis Clayton replied “yes”.

Chairman Soule asked if, in staff’s opinion, it would be difficult to build a deck within the setback.

Louis Clayton replied “yes”.

Chairman Soule commented that if this lot was half a foot smaller in width, the required side yard setback would be between 3 and 4 feet; not the 8-foot required here.

Louis Clayton concurred.

Chairman Soule asked if staff believes that granting this variance would not constitute a detriment on the safety or welfare of the occupants or the community.

Louis Clayton replied “yes”.

Chairman Soule asked if staff believes the granting this variance would be a detriment to public safety.

Louis Clayton replied “no”, adding that because a deck has been there for many years he does not anticipate any negative impacts by granting a variance.

Chairman Soule asked if granting this variance would have a negative impact on air or light.

Louis Clayton replied “no”.

Chairman Soule asked what the result would be if a replacement deck met the setback requirements.

Louis Clayton stated that the deck would have to be moved which would require altering the exterior and interior of the structure.

Chairman Soule asked if staff concurs with the applicant’s assessment.

Louis Clayton replied “yes”.

Being no further questions or comments and hearing none from the audience, Chairman Soule called for a motion.

Anne Martin made a motion to approve a 2.75-foot side yard setback variance from the required 8 foot setback to allow the reconstruction of a deck and balcony. The motion was seconded by Rick Bliss and unanimously approved by the Board.

Mr. Mauldin thanked the Board.

Chairman Soule wished everyone a happy 4th of July.

Being no further business for this Board of Adjustment this evening, the meeting adjourned at 5:30 p.m.

Recording Secretary